

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICOLAS GOUREAU and STEPHANIE :
MENKIN, individually and derivatively on behalf :
of GOOBERRY CORP., a New York corporation, :

Plaintiffs, :

v. :

MARCUS LEMONIS, an individual, ML :
RETAIL, LLC, a Delaware limited liability :
company, and MARCUS LEMONIS, LLC, a :
Delaware limited liability company, :

Defendants, :

and :

GOOBERRY CORP., a New York corporation, :
Nominal Defendant. :

Civil Action No. 1:20-cv-04691

Plaintiffs hereby request that, pursuant to Federal Rule of Civil Procedure 41(a)(2), that this Court order the dismissal of all of Plaintiffs remaining claims against Defendants, with prejudice, with each party bearing their own costs.

Dated: November 13, 2023

GERARD FOX LAW P.C.

/s/ Gerard P. Fox

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